

REMARKS

Reconsideration and allowance of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim Status

Claims 1-9 and 12 are pending in this application. Claims 10 and 11 have been canceled. Claims 1, 7, and 12 have been amended¹. No new matter is added.

§112 Rejections

Claims 7 and 12 are rejected under §112, second paragraph as being indefinite. Claims 7 and 112 are amended to indicate that each face is convex, see, for example, Figure 4, element 416. Accordingly, this rejection is overcome and must be removed.

Art Rejections

Claims 1-6 are rejected as anticipated over Antonelli (USPN6355937). Applicant respectfully disagrees.

Claim 1 has been amended to read, in relevant part, "wherein the image of the light being used to control the optical pointing device installed in the personal portable device." [emphasis added] Claim 1 and the claims that depend

¹This amendment does not necessitate a new search and the next office action, if necessary, should not be made final. MPEP 706.07(a) states in relevant part: "A second or any subsequent action on the merits in any application ... should not be made final if it includes a rejection, on prior art not of record, of any claim amended to include limitations which should reasonably have been expected to be claimed." [Emphasis Added] It would have been reasonably expected that the above amendment would have been made in view of the instant rejection.

therefrom, now, positively recite² pointing device³ in the body of the claim.

Antonelli, on the other hand, is directed to a fingerprint scanning device. See Antonelli: Title; Abstract; Column 1, lines 10-14; Column 2, lines 8-14; and Column 11, lines 33-35. Antonelli makes no mention that the disclosed fingerprint scanner can be used as a pointing device.

Therefore, Claim 1 and the claims that depend therefrom are not anticipated by Antonelli. This rejection must be removed.

Claims 7-9 and 12 are rejected as unpatentable over Antonelli. This rejection is moot in view of the amendment and the argument set out above. Therefore, Claims 7-9 and 12 are not obvious in view of Antonelli. This rejection must be removed.

Claims 10 and 11 are rejected as unpatentable over Baharav (USPN7274808). This rejection is moot in view of the cancellation of Claims 10 and 11.

Conclusion

An early Notice of Allowance is respectfully requested in view of the foregoing amendments and remarks.

² MPEP 2111.04

³ "Pointing device" is a term of art that is commonly used by those of ordinary skill in the art, as evidenced by its inclusion in *Dictionary of Computer and Internet Terms*, 8th Edition, Barron's Educational Services, Inc., Hauppauge, NY, (2003).

Respectfully submitted,



Robert H. Hammer III
Attorney for Applicants
Registration No. 31,764

Customer No. 29494
Hammer & Hanf, P.C.
3125 Springbank Lane
Suite G
Charlotte, NC 28226
Telephone: 704-927-0400
Facsimile: 704-927-0485

H:\2108\002\Amend012908.doc